

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 25338 of 2007(N)

PETITIONER:

K.VARKEY,S/O.V.KURIAN,
DRIVER,KERALA STATE WAREHOUSING CORPORATION,
HEAD OFFICE,ERNAKULAM,P.B.NO.1727,
WAREHOUSING CORPORATION ROAD, COCHIN-682 016.

BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.M.M.DEEPA
SRI.JAYKAR.K.S.

RESPONDENTS:

1. THE KERALA STATE WAREHOUSING CORPORATION
HEAD OFFICE,ERNAKULAM,P.B.NO.1727,
WAREHOUSING CORPORATION ROAD,COCHIN-682 016,
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE MANAGING DIRECTOR,
KERALA STATE WAREHOUSING CORPORATION
HEAD OFFICE,ERNAKULAM, P.B.NO.1727,
WAREHOUSING CORPORATION ROD, COCHIN-682 016.

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 25338 OF 2007

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Dated this the 10th day of September, 2007.

JUDGMENT

Pursuant to notification issued by the Corporation on 25.07.2005 inviting applications to the post of driver, from among candidates who have passed 7th standard and have 5 years experience as driver, the petitioner applied and was called for interview on 24.08.2005. He contends that he was selected and appointed as driver on temporary basis. He was directed to report for duty on or before 14.11.2005 and he was posted in the State Warehouse of the Corporation at Cherthala.

2. According to him, while he was working as driver in a temporary post, a permanent vacancy of driver arose on 01.02.2006 in the Head Office of the Corporation and according to him, he was appointed as a driver on a regular basis against the said vacancy.

3. His further case is that the Managing Director of the Corporation terminated his service with effect from the afternoon of 05.02.2007 on the premise that his appointment was without

the authorisation of the Board of Directors and without the approval of the select list by the Executive Committee. According to the petitioner, though his service as permanent driver was terminated vide Ext.P11 order, he was directed to continue on daily wages thereafter and continues so even now. The proceedings in this regard terminating his service is challenged in this writ petition.

4. Subsequent to the filing of the writ petition, the petitioner filed I.A. N o. 11634/2007 producing therewith Ext.P14, stated to be a representation preferred before the Managing Director.

5. I have heard Mr. P.N. Ravindran, learned counsel for the petitioner and Mr. Majnu Komath, learned Standing Counsel for the Warehousing Corporation.

6. After hearing both counsel, I am of the opinion that going by the nature of the plea now made by the petitioner before the Managing Director, it would be appropriate for the Managing Director to consider the same and take appropriate decision. If the Managing Director feels that in the light of

Ext.P11 a decision, to either permit the petitioner to continue or reinstate him on permanent basis, can be taken only by the Executive Committee, then the request will be placed before the Executive Committee and it is open to the Executive Committee to take appropriate decision.

6. In the result, the writ petition is disposed of directing the 2nd respondent to consider and take appropriate action on Ext.P14 within a period of two months from the date of receipt of a copy of this judgment. If the 2nd respondent feels that further decision could be taken only pursuant to any approval or decision from the Executive Committee, he shall take necessary action in that regard, in which case, a decision thereon shall be taken within a period of four months from the date of receipt of a copy of this judgment. The petitioner's contentions are left open.

V. GIRI, JUDGE.

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